

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 21, 2021

SEAN F. MCAVOY, CLERK

United States of America

v.

NOE RUBIO-FARIAS

Case No. 1:21-mj-04009-MKD

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 25, 2020 in the county of Yakima in the
Eastern District of Washington, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. §§ 841(a)(1),(b)(1)(A)(viii)

Distribution of 50 Grams or More of Actual Methamphetamine

This criminal complaint is based on these facts: Please see attached affidavit;

☒ Continued on the attached sheet.MICHAEL
MERVOSDigitally signed by
MICHAEL MERVOS
Date: 2021.01.21 19:16:20
-08'00'

Complainant's signature

Michael W. Mervos, Special Agent DEA

Printed name and title

☒ Sworn to telephonically and signed electronically☐ Sworn to before me and signed in my presence.

1/21/2021

Date:

m. k. Dimke



Judge's signature

MARY K. DIMKE, U.S. Magistrate Judge

Printed name and title

City and state: Richland, Washington

AUSA: ILG

COUNTY: YAKIMA

COMPLAINT AFFIDAVIT

Between May 2020 and the present, members of the DEA Yakima Resident Office conducted (6) six controlled purchases totaling approximately 1,230 grams of methamphetamine, approximately 1,300 counterfeit Oxycodone pills suspected to be laced with fentanyl, and a .357 handgun from NOE RUBIO-FARIAS. During each of these controlled purchases, a DEA Confidential Source (CS) was utilized. Additionally, during each controlled purchase the CS was equipped with an audio and video recording device. The CS is assisting the DEA for monetary compensation. The CS has no criminal history.

During four of the six controlled purchases, agents observed RUBIO depart his residence at 706 N Naches Ave, Yakima, WA, sell methamphetamine or fentanyl laced pills to the CS, and then return home immediately after the transaction. During most of the controlled purchases, RUBIO possessed a firearm in his vehicle.

For example, on August 25, 2020, RUBIO agreed to meet the CS in Yakima, WA to sell the CS a half pound of methamphetamine for \$2,250 and 200 fentanyl laced pills for \$1,500. The CS met RUBIO and RUBIO sold the CS approximately 261 gross grams of suspected methamphetamine and 200 suspected fentanyl-laced pills (84.7 gross grams). A presumptive field test of the suspected

methamphetamine tested positive for the presence of methamphetamine. The pills were sent to the DEA laboratory for analysis.

On December 8, 2020, RUBIO agreed to sell the CS one-pound of methamphetamine. RUBIO told the CS that he (RUBIO) was in Guadalajara, Mexico but his “guy” would meet and sell the pound to the CS. The CS met RUBIO’s “guy” identified as Roman Berumen-PEREZ in Yakima, WA. PEREZ sold the CS approximately 497.5 gross grams of suspected methamphetamine for \$4,000. This event was orchestrated and coordinated by RUBIO as the CS and PEREZ didn’t have prior communication with each other. RUBIO described to the CS what vehicle PEREZ was driving and where to meet. Following the controlled purchase, surveillance followed PEREZ to his residence at 1111 S. 11th Ave, Yakima, WA. Agents’ later field tested the substance and it was positive for the presence of methamphetamine.

On January 13, 2021, Homeland Security Investigations (HSI), along with the Clackamas County Interagency Task Force conducted a buy/bust operation in Clackamas, Oregon. As a result of the operation, Investigators arrested RUBIO, Jose Luis Rosas Gutierrez (ROSAS) and Arquimides Garcia Gutierrez (GARCIA), after they were found in possession of approximately 20 pounds of methamphetamine. At the time of RUBIO’s arrest he was in possession of a

loaded Glock 19 9mm handgun. All three defendants were booked into the county jail and released following day, pending further investigation.

On January 16, 2021, the CS informed case agents that RUBIO told him/her that he was going to sell the remainder of his fentanyl laced pills and then move to Mexico. The CS stated that RUBIO told him/her he got arrested with methamphetamine in Oregon and wasn't going back to jail. The CS told agents that RUBIO had mentioned in the past that he affiliated to the Cartel Nueva Generacion Jalisco (CNGJ) based in Mexico and wanted to be a cartel enforcer.

On January 15, 2021 at approximately 5:00 p.m., DEA surveillance observed two dark colored pickups parked in the west alley of RUBIO's residence. Surveillance observed several individuals moving items in large bags from RUBIO's residence into the beds of the pickups and also items from a shed in the backyard into the pickup beds.

On January 21, 2021, members of the DEA Yakima Resident Office arrested RUBIO without incident in Wapato, WA after following him from Yakima, WA. RUBIO had arranged to sell the CS 1,000 fentanyl laced pills in Yakima, WA but had told the CS he (RUBIO) saw what he believed to be Federal law enforcement vehicles in the area. RUBIO then traveled to Wapato, WA, where he was located and placed into custody at a vehicle salvage yard. RUBIO had parked his white Honda Accord hidden behind a large trailer and was walking on foot within the

property walking toward Donald-Wapato Road. During a search of the area, agents located a clean clear plastic bag containing approximately 1,000 suspected light blue M-30 stamped pills (believed to be fentanyl laced pills) in plain view, within a burned salvaged vehicle that was next to RUBIO's Honda Accord.

Agents then served a Federal search warrant at RUBIO's residence and located approximately \$5,000 cash in RUBIO's wife, Daisy AMEZCUA's purse, approximately one-ounce of suspected cocaine in the basement, and a digital scale. AMEZCUA told agents that she and the children had booked flights to Mexico and they were leaving tomorrow (January 22, 2021). AMEZCUA said she was aware RUBIO was selling drugs as has not worked since July 2020, but bought her expensive Louis Vuitton purses, bags, and other items. AMEZCUA said she was going to Mexico to leave her husband (RUBIO) after she found out he was arrested in Oregon.

On the same date, agents served a Federal search warrant at PEREZ's residence and he was located and arrested for the sale of methamphetamine on December 8, 2020. During the search agents found a 40 caliber Glock handgun, and small amounts of suspected cocaine, methamphetamine, fentanyl laced pills, and heroin. PEREZ admitted to using drugs and owning the firearm. \

Based on my training and experience and familiarity with purity rates of methamphetamine in the Yakima, WA, area, I have reason to believe that the approximate 261 gross grams of suspected methamphetamine distributed by RUBIO-FARIAS on August 25, 2020, amounts to more than 50 grams of actual methamphetamine, and that the approximately 497.5 gross grams of suspected methamphetamine distributed by Roman Berumen-PEREZ on December 8, 2020, amounts to more than 50 grams of actual methamphetamine. I therefore submit that probable cause exists that RUBIO-FARIAS and Berumen-PEREZ have committed violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) (Distribution of 50 Grams or More of Actual Methamphetamine).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Digitally signed by
MICHAEL MERVOS
Date: 2021.01.21
19:16:56 -08'00'

Michael Mervos, Special Agent
Drug Enforcement Administration

SWORN TO telephonically and subscribed electronically this 21st day of January, 2021.

 

Honorable Mary K. Dimke
United States Magistrate Judge